



SECRET  
GCCMS #: 2019-009-00116

To: Timothy Sargent  
Pour:

Date: February 19, 2019

Object: **MEETING WITH TSILHQOT'IN NATIONAL GOVERNMENT**  
Objet:

From / *[Signature]* Robert Lamirande, Director General, Indigenous Affairs and Reconciliation  
De: Directorate

Via: Anne Lamar, S/ADM, Strategic Policy

Additional approvals:  
Autre(s) approbation(s):

<input checked="checked" type="checkbox"/> Material for the Minister Documents pour le Ministre	<input type="checkbox"/> Your Signature Votre signature	<input type="checkbox"/> Information
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Remarks: This briefing note was developed in consultation with the Pacific region:  
Remarques:

Distribution:

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Feb 15, 2017

Approved by SADM

Docket #: 2019-009-00116  
Security Classification: SECRET

## **SCENARIO NOTE**

### **MEETING WITH TSILHQOT'IN NATIONAL GOVERNMENT**

Tsilhqot'in National Government participants expected include:

- Nits'il?in Russell Myers Ross, Yunešit'in, Vice Chairman for the Tsilhqot'in National Government
- Nits'il?in, Francis Laceese, Tl'esqox
- Nits'il?in Jimmy Lulua, Xení Gwet'in
- Nits'il?in Otis Guichon, Tsi Del Del
- Jay Nelson, Executive Lead, Negotiations and External Affairs, Tsilhqot'in National Government
- Jody Nishma, Social Lead, Negotiations and External Affairs, Tsilhqot'in National Government
- Helen Nemeth, Negotiations Team Manager
- Peyal Laceese, Cultural Ambassador

### **Overview**

The purpose and your overall objectives for this meeting are to listen to the concerns and views raised by the Tsilhqot'in National Government (TNG) regarding the current status of negotiations and their fisheries interests, and to assure the TNG that DFO remains dedicated to advance their proposed "transformative change agreement" including the Fisheries Pathway.

Based on work with CIRNAC at the negotiation main table, TNG has an expectation that a Memorandum to Cabinet (MC) will be brought to Cabinet spring 2019 that would allow a five-year "transformative change agreement" to be signed on June 25, 2019, including a five year agreement on Fisheries matters.

Issues that will likely be raised during this meeting are:

- (1) Transformative change agreement with Canada;
- (2) Fisheries reconciliation efforts with Tsilhqot'in: extending the Interim Governance Agreement on Fisheries Management and the Fisheries Pathway; and,
- (3) TN-DFO Fisheries Shared Interest Document to Guide Fisheries Reconciliation

The ongoing relationship between the Department and the TNG, both in the operational and reconciliation context, is collaborative and respectful.

## **1. Transformative change agreement with Canada**

In 1983, the British Columbia (BC) government granted a commercial logging licence on land the TNG considered to be part of their traditional territory. The TNG objected and sought a declaration prohibiting commercial logging on their traditional lands. After, talks with the federal and provincial governments reached an impasse and the original claim was amended to include Aboriginal title.

On June 26, 2014, in *Tsilhqot'in Nation v. BC*, the Supreme Court of Canada (SCC) rendered its judgement in the Tsilhqot'in Nation's Aboriginal title case. The SCC held that Tsilhqot'in declaration of Aboriginal title over the area requested should be granted.

Since the 2014 *Tsilhqot'in* decision, Canada and TNG signed a Letter of Understanding (LOU) in January 2017 committing to negotiate a Reconciliation Framework Agreement by January, 2019 (Attachment 1).

On November 2, 2018, Canada signed the "Gwets'en nilt'i Pathway Letter" (Pathway Letter), which was witnessed by the Prime Minister (Attachment 2). The Pathway Letter outlines commitments to reach milestones on the path to self-determination and commits Canada to work with the Tsilhqot'in Nation to address housing and infrastructure needs in the communities. The Parties also agreed "to develop an agreement by spring 2019 that sets out the milestones on this path and establishes clear, transformative steps towards achieving true and lasting reconciliation for the Tsilhqot'in people and an enduring nation-to-nation relationship with Canada."

Pursuant to the LOU, the Pathway Letter and the BC signed Nenqay Deni Accord, in January 2019 the Tsilhqot'in Nation tabled to Canada and BC a tripartite "Transformative Change Agreement" (Attachment 3) that is currently being negotiated.

The "Transformative Change Agreement" commits the parties to working together to achieve the shared visions for each of the "pillars of reconciliation" which include governance, strong culture and language, healthy children and families, healthy communities (housing), justice, education and training, Nen (lands) including fisheries, military block, declared title area and a sustainable economic base.

For each pillar, TNG plans to attach a pathway to the agreement detailing milestones and key actions. The Tsilhqot'in Nen' (Lands, Waters and Resources), is the most advanced and within that there is a specific Fisheries Pathway (Attachment 4) that is built off the work previously done under the Interim Governance Agreement on Fisheries Management (Attachment 5).

Tsilhqot'in are seeking a five-year commitment from Canada and BC that would run until March 31, 2024, starting immediately after signing the "Transformative Change Agreement".

### **Minister's Objectives**

- Listen to the importance of the *Tsilhqot'in* decision to the Tsilhqot'in peoples and to Canada and the importance of an enhanced TNG role in Tsilhqot'in fisheries management.

- Develop an understanding of all parties' efforts to achieve reconciliation amongst the TNG, BC and Canada as a result of the *Tsilhqot'in* decision.
- Acknowledge DFO's support for a creative and new relationship with the *Tsilhqot'in*.

### **Key Messages**

- **The Department is committed to working with the TNG and others to effectively co-manage Chilko and Fraser River salmon. As such, I am interested in hearing your views on working towards a modern co-management relationship.**
- **The Department appreciates TNG's innovative, interim approach, creating steps on the path towards reconciliation, that will build capacity and lead to *Tsilhqot'in* governance.**
- **I encourage TNG to continue your efforts to collaborate with the negotiating team to refine the work and move the Transformative Change Agreement forward, with the target date of June 2019.**
- **DFO staff remain committed to working with TNG and CIRNAC to advance the Transformative Change Agreement.**

### **2. Fisheries reconciliation efforts with *Tsilhqot'in*: Interim Governance Agreement on Fisheries Management and the Fisheries Pathway (LOU)**

In January 2017, Canada and TNG signed an LOU committing Canada to using a flexible and solutions-based approach to achieve progress on priority issues. Consistent with this commitment, in July 2017, DFO and CIRNAC signed a two year Interim Governance Agreement on Fisheries Management (Interim Agreement) (Attachment 5) with *Tsilhqot'in* Nation which expires March 31, 2019. The Interim Agreement not only provides DFO the consent required to conduct stock assessment activities at Chilko Lake Fisheries camp on Title land, [REDACTED]

[REDACTED] Interruption of the stock assessment program would jeopardize Canada's ability to meet commitments under the Pacific Salmon Treaty as well as manage domestic salmon fisheries.

The Interim Agreement provides an additional \$400,000 per year to TNG in addition to their current Aboriginal Fisheries Strategy (AFS) funding of \$300,000 and an additional \$300,000 from CIRNAC as part of their reconciliation work plan.

[REDACTED]

In the meantime, in order to avoid disruption of the Chilko Lake stock assessment work, there is interest to extend the Interim Agreement by one year, to March 31, 2020. In order to do this, DFO needs to find an additional \$400,000 by April 1, 2019 for a continued enhanced AFS agreement.

In January 2019, TNG submitted a draft Fisheries Pathway (similar to a term sheet)(Attachment 4) and budget for DFO to review. [REDACTED]

As a component of TNG's ongoing interest to be more actively involved in management of fisheries within their Title area and their claimed traditional territories, TNG continues to seek having a member appointed to the Fraser River Panel.

### **Minister's Objectives**

- Acknowledge that an interim approach may be required [REDACTED] and one way to do this would be to extend the Interim Governance Agreement.
- Encourage TNG representatives to continue to work with regional staff on the Fisheries Pathway.


### **Key Messages**

- **The Department acknowledges the magnitude of the *Tsilhqot'in* decision and its wide-reaching impacts on Tsilhqot'in, Indigenous peoples, and Canadians.**
- **The Department is committed to working with the TNG and others to effectively co-manage Chilko and Fraser River salmon and remains committed to finding creative solutions to ensure that TNG has an enhanced role in fisheries management within their Title Area and traditional territory.**
- **The Department is actively seeking interim funding sources to in order to extend the Interim Governance Agreement.**
- **The Department acknowledges the importance of an enhanced role for the TNG in fisheries management within their territory and will continue to provide support to the TNG in developing a fisheries management strategy.**
- **I recognize the importance of having strong First Nation voices at the Fraser Panel. This has also been raised by the Fraser Salmon Management**

**Council, which has a proposal to strengthen First Nations participation on the Fraser Panel.**

### **3. TN-DFO Fisheries Shared Interest Document to Guide Fisheries Reconciliation**

In January 2018, TNG, DFO and CIRNAC jointly developed a Shared Interest Document/term sheet on fisheries (Attachment 6).



#### **Minister's Objectives**

- Acknowledge the importance of the Shared Interest Document, and the desire for DFO to continue collaboration on transformative change.

#### **Key Messages**

- **The department acknowledges that the Shared Interest Document is an example of the positive working relationship at the fisheries working group level and ongoing progress that is being made in negotiations.**
- **The department remains supportive of finalizing of the Shared Interest Document.**
- **I encourage TNG to continue working with the negotiating team and fisheries working group to make progress on the Transformative Change Agreement and fisheries pathway.**

#### **Attachments (6):**

Tab 1: Letter of Understanding between Canada and TNG

Tab 2: Gwets'en nilt'i Pathway Letter

Tab 3: Transformative Change Agreement

Tab 4: Draft Fisheries Pathway

Tab 5: Interim Governance Agreement on Fisheries Management

Tab 6: TN-DFO Fisheries Shared Interest Document to Guide Fisheries Reconciliation



## LETTER OF UNDERSTANDING

Dated for reference January 27, 2017

BETWEEN:

**THE TSILHQOT'IN NATION as represented by:**

Xeni Gwet'in First Nations Government,  
Yunesit'in Government,  
Tl'etinqox Government,  
?Esdilagh First Nation,  
Tsi Deldel First Nation,  
Toosey Indian Band (Tl'esqox), and  
The Tsilhqot'in National Government ("TNG")  
(the "Tsilhqot'in Nation")

AND:

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented by**  
the Minister of Indigenous and Northern Affairs Canada ("the Minister")  
("Canada")

(Collectively, the "Parties")

### SHARED VISION:

- A. By entering this Letter of Understanding ("Letter"), Canada and the Tsilhqot'in Nation commit to renewing and strengthening their nation-to-nation relationship, and negotiating in good faith to achieve a lasting reconciliation for the Tsilhqot'in people.
- B. On June 26, 2014, the Supreme Court of Canada rendered its unanimous judgment in *Tsilhqot'in Nation*, recognizing Aboriginal title for the first time in Canadian history, in the homeland of the Tsilhqot'in people.
- C. The *Tsilhqot'in Nation* judgment offers a profound opportunity for Canada, the Tsilhqot'in Nation, and all First Nations to restore Indigenous Peoples to their rightful place as true partners in the economic, political and social fabric of Canada.
- D. On May 10, 2016, Canada fully endorsed the *United Nations Declaration on the Rights of Indigenous Peoples* without qualification and committed to implement the *Declaration* in partnership with Indigenous Peoples.
- E. The Tsilhqot'in Nation has governed itself since time immemorial, in accordance with its own inherent laws, jurisdiction, governance and responsibilities. For generations, the Tsilhqot'in people have vigorously protected their culture, their homeland, and their right to self-determination as Indigenous Peoples within Canada.
- F. The Parties wish to embrace this historic opportunity and explore new ways to achieve a just and enduring reconciliation for the Tsilhqot'in people and to lead the way forward with new and innovative approaches to reconciliation between Canada and Indigenous Peoples, based on recognition of rights, respect, co-operation and true partnership.

### ACKNOWLEDGMENT & RECONCILIATION

1. The Parties agree to renew and strengthen their nation-to-nation relationship. In this spirit, the Minister accepts the invitation of the Tsilhqot'in Nation to meet with the Tsilhqot'in leadership, elders, youth and communities in Xeni Gwet'in, on Tsilhqot'in Aboriginal title lands, in Summer 2017 or such other time as agreed by the Parties. The Minister will also relay Tsilhqot'in Nation's invitation to the Prime Minister and the Minister of Justice.
2. Recognizing that reconciliation begins with truth telling and healing, the Minister agrees to seek authority for Canada:
  - a. to take steps to redress, through a statement issued on a date and location to be agreed upon by the Parties, the wrongful trial and hanging in 1864/65 of the Tsilhqot'in Chiefs, who died defending their lands, their people and their way of life;
  - b. to the fullest extent of its authority, to exonerate the Tsilhqot'in Chiefs of any wrongdoing; and
  - c. to make deliberative attempts to understand the history of the Chilcotin War of 1864/65 and its aftermath (in particular the Tsilhqot'in perspective) and how these events have shaped the relationship between the Tsilhqot'in and the Crown to date, in an effort to move beyond this history and create a truly reciprocal and respectful relationship.

### RECONCILIATION FRAMEWORK AGREEMENT

3. The Parties will make best efforts to negotiate a Reconciliation Framework Agreement (Framework Agreement) by January 2019. The Framework Agreement will set out a shared vision, principles, priorities and structures to negotiate a comprehensive and lasting reconciliation between the Tsilhqot'in Nation and Canada.

**PRIORITY ISSUES**

4. The Parties commit to working to transform the lives of Tsilhqot'in citizens and communities, in the following priority areas:
  - a. closing the profound gaps in education, health and mental health care, housing, infrastructure, access to clean water and the overall health and well-being of the Tsilhqot'in citizens and communities;
  - b. addressing criminal justice, community safety and policing issues;
  - c. supporting children and families of the Tsilhqot'in people;
  - d. jointly reviewing fisheries management in Tsilhqot'in territory;
  - e. establishing new fiscal relationships based on stable, predictable and flexible funding;
  - f. exploring and seeking to resolve issues related to Lot 7741 (Chilcotin Military Block);
  - g. fostering economic opportunities for the Tsilhqot'in;
  - h. recognizing and implementing Tsilhqot'in governance and law;
  - i. recognizing and reconciling Tsilhqot'in Aboriginal title and rights;
  - j. implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*, including the right of free, prior informed consent;
  - k. negotiating the Framework Agreement, as described above; and
  - l. other priorities as identified by the Parties.
5. The Parties are committed to making progress in the above areas while the Framework Agreement is negotiated and implemented.
6. In negotiating the Framework Agreement, and making progress in the priority areas, the Parties will draw on the Truth and Reconciliation Commission's recommendations, as set out in its Final Report, for guidance and as a framework for action in achieving reconciliation.

**PROCESS**

7. The Tsilhqot'in Chiefs and the Minister (the "Leadership") may engage when required to resolve issues as they arise and to ensure the efficient progress of negotiations. The Minister will engage other federal departments as required.
8. The Lead Negotiator for the Tsilhqot'in Nation and the Senior Assistant Deputy Minister, Treaties and Aboriginal Government (the Steering Committee), will meet on a quarterly basis, at a minimum, and are responsible for overseeing the negotiation process.

9. The Parties will establish a technical working group comprised of designates of the Tsilhqot'in Nation, and officials from Indigenous and Northern Affairs Canada, Justice Canada, and other departments, as required (the "Working Group"). The Working Group will hold regular meetings, no less than monthly, and implement direction from the Leadership. The Working Group will also deal with any urgent short-term issues that arise between meetings.
10. Each Party will ensure that its representatives at the Working Group have direct and timely access to their Leadership and to those individuals that are best positioned to provide any required mandate, decision or direction.
11. The Parties will use a flexible and solutions-based approach to develop opportunities and arrangements as required to achieve progress on the priority issues, even if they differ from, or do not fit easily, into existing regimes, laws, programs, policies or structures.

**FUNDING & RESOURCES**

12. The Parties agree that the commitment of funding and resourcing by Canada is essential to the success of this Letter and the Framework Agreement. The Parties will determine bridge funding to support the shared priorities and processes identified in this Letter, until the Framework Agreement is concluded and longer-term funding commitments are in place.

**OTHER**

13. This Letter does not create, amend, define, affirm, recognize, abrogate or derogate from any Aboriginal rights or title of the Tsilhqot'in Nation which are recognized and affirmed by section 35 (1) of the *Constitution Act, 1982*.
14. This Letter and Framework Agreement which may flow from it are not intended to constitute a treaty or land claims agreement within the meaning of Sections 25 and 35 of the *Constitution Act, 1982*.
15. This Letter does not create, recognize, affirm, deny or amend any legally enforceable rights.
16. This Letter does not preclude the Tsilhqot'in from accessing any funding, program or initiative that Canada might normally make available to other First Nations.
17. This Letter, the negotiations conducted pursuant to this Letter, and all related documents, are without prejudice to the positions of the Parties in any proceedings before a court or other forum and shall not be construed as admissions of fact or liability.

IN WITNESS WHEREOF the Parties hereby execute this Letter as of the date first written above.

On behalf of the Tsilhqot'in Nation:

Nits'il'in (Chief) Joe Alphonse  
Tribal Chairman - Tsilhqot'in National Government  
Tl'etinqox Government

Nits'il'in Roger William  
Vice Chairman - Tsilhqot'in National Government  
Xeni Gwet'in First Nations Government

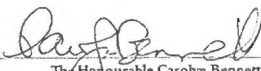
Nits'il'in Francis Lacey  
Tl'esqox (Toosey) Indian Band

Nits'il'in Victor Roy Stump  
?Esdilagh First Nation

Nits'il'in Russell Myers Ross  
Yunesit'in First Nations Government

Nits'il'in Ervin Chazleyboy  
Tsi Deldel First Nation

On behalf of Her Majesty the Queen in Right of Canada:

  
The Honourable Carolyn Bennett  
Minister of Indigenous and Northern Affairs Canada





## Gwets'en nilt'i "Towards it, We Are Striving"

On January 27, 2017, Canada and the Tsilhqot'in Nation entered a historic *Letter of Understanding* as the first step in achieving a lasting and comprehensive reconciliation for the Tsilhqot'in people.

On March 26, 2018, Canada recognized the Tsilhqot'in Chiefs wrongfully tried and hanged in 1864/65 as heroes of the Tsilhqot'in people, and exonerated these Tsilhqot'in Chiefs of all wrongdoing.

Today, November 2, 2018, the Prime Minister delivered this message of exoneration directly to the Tsilhqot'in people, on declared Aboriginal title lands, thereby honouring Canada's commitment in the *Letter of Understanding* and setting a path toward true nation-to-nation reconciliation and healing.

Now the real work is before us. We have to overcome a legacy of distrust created by the conduct of past governments, by demonstrating a sustained commitment from Canada to truly building a better future with and for the Tsilhqot'in people.

By this letter, we affirm our shared vision in the *Letter of Understanding* and set our path, together, to transform the lives of the Tsilhqot'in citizens and communities and the relationship between Canada and the Tsilhqot'in Nation.

### Shared Vision and Priority Issues Affirmed

We affirm the Shared Vision and the commitment to work in the following areas identified as Priority Issues in the *Letter of Understanding*:

- Closing the profound gaps in the education, health, and mental health care, housing, infrastructure, access to clean water and the overall health and well-being of the Tsilhqot'in citizens and communities;
- Addressing criminal justice, community safety and policing issues;
- Supporting Tsilhqot'in children and families;
- Jointly reviewing fisheries management in Tsilhqot'in territory;
- Establishing new fiscal relationships based on stable, predictable and flexible funding;
- Exploring and seeking to resolve issues related to Lot 7741 (Chilcotin Military Block);
- Fostering economic opportunities for the Tsilhqot'in;
- Recognizing and implementing Tsilhqot'in governance and law;

i. Recognizing and reconciling Tsilhqot'in Aboriginal title and rights;

j. pursuant to 4(l) in the *Letter of Understanding*, we agree to include "Fostering strong Tsilhqot'in language and culture across generations"; and

k. Other priorities as identified by the Parties.

### Next Steps on the Path

We will engage on a nation-to-nation, government-to-government basis, as true partners and equals.

Our approach starts from *recognition* of Tsilhqot'in rights, respect, co-operation and partnership as the foundation for transformative change. Canada will not take the position, at any point, that Tsilhqot'in Aboriginal rights or title must be extinguished, surrendered or modified as part of reconciliation.

The Tsilhqot'in war chiefs sacrificed their lives in 1864/65 in defence of their lands and their culture. For the Tsilhqot'in people, this remains unfinished business. As a priority, Canada and Tsilhqot'in will work together with British Columbia to recognize and reconcile Tsilhqot'in Aboriginal rights and title. *Land is life* for the Tsilhqot'in peoples – their relationship to the land is at the very core of Tsilhqot'in identity, spirituality, sustenance and well-being.

Immediate and sustained progress will be taken on the Priority Issues for the Tsilhqot'in peoples. We will work together to develop agreements, arrangements and other measures, as required, to effect lasting reconciliation in respect of each of the Priority Issues. At the same time, we commit to step-by-step progress on each of the Priority Issues, and we will work together to define short, mid and long-term goals.

We will be innovative and flexible to find solutions that work. We will consider any arrangements to achieve our goals, including interim agreements, comprehensive agreements, memoranda of understanding, ceremonies, protocols, legislation, policy changes, revenue sharing or any combination thereof.

Canada is fully committed to recognizing the Tsilhqot'in Nation and its rights of governance and self-determination. We will work together, in good faith, to develop an agreement by Spring 2019 that sets out the milestones on this path and establishes clear, transformative steps towards achieving true and lasting reconciliation for the Tsilhqot'in people and an enduring nation-to-nation relationship with Canada.

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**is public-denied pursuant to section  
est public-refusé en vertu de l'article**

**68(a)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**

**Pages 11 to / à 28**  
**are withheld pursuant to sections**  
**sont retenues en vertu des articles**

**20(1)(b), 20(1)(d)**

**of the Access to Information Act**  
**de la Loi sur l'accès à l'information**

**INTERIM GOVERNANCE AGREEMENT ON FISHERIES MANAGEMENT**

Dated for reference July 14, 2017

**BETWEEN**

**TSILHQOT'IN NATION** as represented by the Tsilhqot'in National Government and **XENI GWET'IN FIRST NATIONS GOVERNMENT ("Xeni Gwet'in")**  
(Collectively, the "Tsilhqot'in Parties")

**AND**

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA** as represented by the Minister of Indigenous and Northern Affairs Canada ("INAC") and the Minister of Fisheries, Oceans and the Canadian Coast Guard ("DFO")  
(Collectively, "Canada")

(Collectively, the "Parties")

**WHEREAS:**

- A. The Tsilhqot'in Nation holds proven Aboriginal title to certain lands within the Tsilhqot'in territory, as described in *Tsilhqot'in Nation v. British Columbia*, 2007 BCSC 1700 and *Tsilhqot'in Nation v British Columbia*, 2014 SCC 44 (the "Title Area"), and this proven Aboriginal title confers the right to proactively use and manage the land.
- B. The Tsilhqot'in Nation has governed itself from time immemorial and the Parties seek to reconcile their respective jurisdictions, governance, laws and responsibilities.
- C. Canada recognizes the inherent right of self-government as an existing Aboriginal right under section 35 of the *Constitution Act, 1982*. Canada supports the advancement of self-determination for Indigenous Peoples.
- D. On January 27, 2017, the Tsilhqot'in Nation and Canada entered into an historic Letter of Understanding ("Letter of Understanding") with the shared vision of exploring new ways to achieve a just and enduring reconciliation for the Tsilhqot'in people and to lead the way forward

with new and innovative approaches to reconciliation between Canada and Indigenous peoples, based on recognition of rights, respect, co-operation and true partnership.

- E. Pursuant to the Letter of Understanding, the Parties agree that fisheries management, within the Tsilhqot'in traditional territory, is a priority issue and are committed to reviewing fisheries management and will use flexible and solutions-based approaches to develop opportunities and arrangements as required to achieve progress, even if they differ or do not fit easily into existing regimes, programs, policies or structures.
- F. British Columbia had previously adopted an Order-in-Council for the purposes of maintaining and operating a fisheries monitoring station (the "Chilko Lake Fisheries Site") on lands within the Title Area;
- G. The Chilko Lake Fisheries Site is situated on a portion of the significant archaeological and cultural site of an ancestral Tsilhqot'in village, Gwedats'ish;
- H. The Chilko Lake Fisheries Site is the first known federal operations facility, which is on declared Aboriginal title lands in Canada, whereby an annual DFO stock assessment program is in operation.
- I. The Parties have a long standing working relationship at the Chilko Lake Fisheries Site and seek to adapt this long-standing working relationship within the new reality of proven Aboriginal title and their mutual commitment to enhancing the roles and responsibilities of fisheries management on a government-to-government basis.
- J. The Parties share the goal of establishing relationships and processes that reduce conflict, foster mutual understanding and respect, and promote outcomes that reflect consensus and consent.

Now therefore the Parties agree as follows:

#### **Purpose**

- 1. This Interim Governance Agreement on Fisheries Management ("Interim Agreement") is a pilot for:
  - a. determining and clarifying the government-to-government roles and responsibilities of the Tsilhqot'in Parties and Canada pertaining to fisheries management within the Title Area;
  - b. supporting and enhancing the roles and responsibilities of the Tsilhqot'in Nation in fisheries management; and

- c. enhancing collaborative fisheries management between Canada and the Tsilhqot'in Nation.
2. This Interim Agreement will inform the negotiation of a broader Reconciliation Framework Agreement as described in the Letter of Understanding, and any other agreements or arrangements negotiated pursuant to the Letter of Understanding.

#### **Term**

3. This Interim Agreement is effective as of the date that it is fully executed by the Parties and remains in effect until March 31, 2019.

#### **Chilko Lake Fisheries Site**

4. Canada will transfer to the Tsilhqot'in Parties the management and use of the Cabin on the Chilko Lake Fisheries Site that was formerly maintained and used by DFO Conservation and Protection.
5. The Parties intend to enter into an agreement for use and occupation of the Chilko Lake Fisheries Site for salmon stock assessment purposes after the Order in Council is extinguished from British Columbia.
6. DFO staff will have access to the Chilko Lake Fisheries Site for Stock Assessment purposes to continue with the existing fisheries Stock Assessment program as they have conducted in the past for the term of this Interim Agreement or until the conditions in clause 5 can be met, whichever comes first.
7. The Parties will re-establish a Site Management Committee to jointly review and address issues at the Chilko Lake Fisheries Site.

#### **Support for Tsilhqot'in Fisheries Operational Capacity and Development**

8. In addition to current Aboriginal Program funding provided to Tsilhqot'in by Canada, Canada will provide funding to support the development and operations of the Tsilhqot'in fisheries program as follows:
  - a. \$400,000 for staffing, equipment, and training costs for fiscal year 2017-2018; and
  - b. for the 2018/2019 fiscal year, Canada will make best efforts to secure funding not less than 2017/2018 for staffing, equipment, enhancements to the Chilko Lake Fisheries Site, and training costs.

### **Collaborative Fisheries Strategy**

9. The Parties will establish a special joint working group for fisheries issues (the "Fisheries Working Group") to jointly review and explore options for collaborative fisheries management.
10. The Parties will work together to explore a collaborative, government-to-government fisheries strategy that seeks to define the roles and responsibilities of the Parties in decision-making in the management of fisheries in the Tsilhqot'in traditional territory. The Parties may consider:
  - a. enhanced monitoring and transitioning to enforcement by the Tsilhqot'in Parties;
  - b. enhanced role for the Tsilhqot'in Parties in fisheries management;
  - c. commercial fisheries opportunities;
  - d. inland aquaculture opportunities; and
  - e. any other subjects as agreed to by the Parties.
11. INAC and DFO will help facilitate, and where required participate in, discussions between Transport Canada and the Tsilhqot'in Parties concerning the impact and regulation of motorboats on salmon spawning habitat in identified areas.
12. To support the Tsilhqot'in Parties' participation in exploratory discussions on a collaborative fisheries strategy and the Tsilhqot'in Parties' engagement with Tsilhqot'in communities, leadership and advisors, Canada will provide:
  - a. funding in the amount of \$300,000 for the fiscal year 2017-2018; and
  - b. for the 2018/2019 fiscal year, Canada will make best efforts to secure funding not less than 2017/ 2018.

### **General**

13. This Interim Agreement does not create, amend, define, abrogate or derogate from any Aboriginal rights or title of the Tsilhqot'in Parties which are recognized and affirmed by section 35 (1) of the *Constitution Act, 1982*. For greater certainty, this Interim Agreement is not intended to be a treaty or a land claims agreement within the meaning of sections 25 and 35 of the *Constitution Act, 1982*, or to alter or affect the legal status of lands and resources or the existing authorities of the Parties with respect to lands, resources and governance.

14. Nothing in this Interim Agreement obliges Canada to act in a manner inconsistent with federal or provincial legislative or regulatory jurisdictions or authorities. For greater certainty, the Interim Agreement shall not be interpreted or implemented in a manner which fetters the decision making of any of the Parties.
15. This Interim Agreement does not preclude the Tsilhqot'in Parties from accessing any funding, program or initiative that Canada might normally make available to other First Nations.
16. Any payment under this Agreement is subject to appropriations approved by Parliament, and payments may be terminated or reduced in the event that funds are not available in the Fiscal Year in which payment is to be made.
17. This Interim Agreement, the negotiations leading up to its creation and its implementation shall not be construed as an admission of fact or liability and are without prejudice to any legal positions which have been or may be taken by any Party in any court proceeding or any other forum, or the negotiation of any future agreement among the Parties.
18. Nothing in this Interim Agreement is intended to, nor shall be interpreted to, define, create, recognize, deny or amend any Aboriginal rights, including Aboriginal title, that may be claimed by First Nations who are not party to this Interim Agreement.
19. The provisions of this Interim Agreement may be amended by written agreement of the Parties.
20. This Interim Agreement may be renewed, with any modifications agreed to by all of the Parties, for an additional term agreed to by the Parties.
21. This Interim Agreement may be executed in counterparts and by facsimile by the Parties.




IN WITNESS OF WHICH the Parties execute this Agreement.

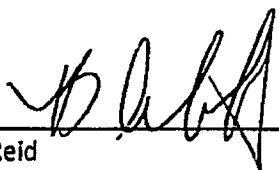
On behalf of the Tsilhqot'in Nation:

  
Nits'il'in (Chief) Joe Alphonse  
Tribal Chairman – Tsilhqot'in National Government

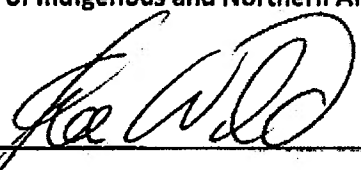
On behalf of the Xeni Gwet'in First Nations Government:

  
Nits'il'in Roger Wukam  
Xeni Gwet'in First Nations Government

On behalf of Fisheries and Oceans Canada:

 JUL 12 2017  
Rebecca Reid  
Regional Director General, Fisheries and Oceans

On behalf of Indigenous and Northern Affairs Canada:

  
Joe Wild  
Senior Assistant Deputy Minister, INAC

**Pages 35 to / à 41  
are withheld pursuant to sections  
sont retenues en vertu des articles**

**20(1)(b), 20(1)(d)**

**of the Access to Information Act  
de la Loi sur l'accès à l'information**